

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**TYRONE OWENS,**

**Plaintiff,**

**v.**

**ROGER WALKER, et al.,**

**Defendants.**

**No. 02-CV-0942-DRH**

**ORDER**

**HERNDON, District Judge:**

Plaintiff, Tyrone Owens, a former inmate in the Menard Correctional Center, brings this action for deprivations of his constitutional rights at both the Big Muddy Correctional Center and the Menard Correctional Center pursuant to **42 U.S.C. § 1983**. Owens is paralyzed and wheelchair bound. On July 8, 2004, the Court entered an Order which conducted the threshold review of Owens' complaint and amended complaint pursuant to **28 U.S.C. § 1915** (Doc. 19). In that Order, the Court dismissed several named Defendants, dismissed several of Owens' claims and re-designated Owens' various claims against the correctional officers/employees at both Big Muddy and Mendard.<sup>1</sup> Owens maintains that the prison officials, guards and the health care provides are deliberately indifferent to his needs, have subjected

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<sup>1</sup>The Court construed Owens' amended complaint as asserting 16 claims, against 33 named defendants. The Court dismissed five defendants and eight claims in the July 8, 2004 Order.

him to cruel and unusual punishment, have conspired to have him harmed, and have retaliated against him for filing grievances and law suits.

Pursuant to **28 U.S.C. § 636(b)(1)(B)**, Magistrate Judge Clifford J. Proud submitted a Report and Recommendation (“the Report”) on February 16, 2006 (Doc. 182). The Report recommends that the Court deny Defendants Walker, Uchtman, and Spiller’s motion to dismiss (Doc. 116). On March 7, 2006, the Court dismissed without prejudice Owens’ cause of action for want of prosecution (Doc. 191). Thereafter, Owens filed a motion to vacate judgment on March 15, 2006 (Doc. 192) which the Court granted and reopened the case on April 5, 2006 (Doc. 199). In the April 5, 2006 Order, the Court also reset the time to file objections to Judge Proud’s February 16, 2006 Report.

To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).**

Accordingly, the Court **ADOPTS** the Report in its entirety (Doc. 182). The Court **DENIES** Defendants Walker, Uchtman and Spiller’s motion to dismiss (Doc. 116).

**IT IS SO ORDERED.**

Signed this 24th day of April, 2006.

/s/ David RHerndon  
United States District Judge